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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,642	02/24/2004	Robert P. Lilleness	81230.79US2	2376
34018	7590	12/02/2004	EXAMINER	
GREENBERG TRAUIG, LLP			DANG, HUNG Q	
77 WEST WACKER DRIVE			ART UNIT	
SUITE 2500			PAPER NUMBER	
CHICAGO, IL 60601-1732			2635	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/785,642

Applicant(s)

LILLENES ET AL.

Examiner

Hung Q Dang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-14 and 16-21 is/are rejected.
- 7) ☒ Claim(s) 4 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

*Handwritten signature*

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Darbee et al. U.S. Patent 6,130,726.

**Regarding claims 1, 7 and 12,** Darbee et al. teaches in a platform (Figure 1, unit 10) configured to command the operation of an appliance, a readable media having instructions for retrieving information, the instructions performing steps comprising:

In response to a sensed activation of a command key of the platform, transmitting a command to the appliance to cause the appliance to select a content stream and initiating a retrieval of information related to the content stream from an information source external to the platform; and

Displaying the retrieval information in a display of the platform (column 2 lines 45 to column 3 line 30; and column 7 line 42 to column 8 line 20).

**Regarding claims 2 and 13,** Darbee et al. also teaches said information is retrieved using an address maintained within the platform (column 8 lines 11-19).

**Regarding claims 3 and 14,** Darbee et al. also teaches said address being entered by a user of the platform (column 8 lines 11-16).

**Regarding claim 5**, Darbee et al. also teaches a command to cause the appliance to select a channel (Figure 1, unit 18).

**Regarding claims 6 and 21**, Darbee et al. also teaches said command key being included as part of an electronic program guide displayed within the display of the platform (Figure 6).

**Regarding claims 8 and 9**, Darbee et al. also discloses the content stream comprises a video/audio broadcast signal (column 2, lines 11-24).

**Regarding claims 10 and 16**, Darbee et al. also teaches said address comprises a URL (column 8, lines 11-16).

**Regarding claims 18 and 19**, Darbee et al. also teaches the retrieved information includes addresses to further information (Figure 23, [www.microsoft.com](http://www.microsoft.com), [www.yahoo.com](http://www.yahoo.com), [www.disney.com](http://www.disney.com)).

**Regarding claim 20**, Darbee et al. also teaches an appliance mode selection key (Figure 1, TV mode, VCR mode, CBL mode).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Darbee et al. U.S. Patent 6,130,726 in view of Wachter U.S. Patent 6,469,633.

**Regarding claim 11**, as mentioned above, Darbee et al. teaches a readable media as recited in claim 1 having a display comprises a touch screen. However, Darbee et al. does not teach the command key depicts a logo of a provider of the content stream and is displayed within the touch screen.

Wachter, in the same field of endeavor, teaches a platform adapted to command the operation of an appliance, which includes icon(s) depicting the logo(s) of a content provider (Figure 5, CNN, FOX, ABC, etc).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide icon(s) depicting the logo(s) of a content provider to the platform disclosed by Darbee et al., as evidenced by Wachter, in order to facilitate the user to easily visualize and select the desired content provider by looking for the correct logo(s).

5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Darbee et al. U.S. Patent 6,130,726.

**Regarding claim 17**, Darbee et al. teaches websites of various information sources. Even though, Darbee et al. does not specifically mention said information sources comprises a website of a manufacturer of the appliance, however, one of ordinary skill in the art would recognize that for almost every appliance out there these days, there is a website corresponding to the manufacturer of said appliance. Furthermore, Darbee et al. also indicates that desired internet addresses (URLs) of information sources can be manually entered (column 8 lines 5-19). Therefore, to

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provide a website of a manufacturer of said appliance as an information source is a conventional thing to do.

***Allowable Subject Matter***

6. Claims 4 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Regarding claims 4 and 15**, the prior arts of record fail to teach or disclose the readable media as recited in claim 2, wherein the address is automatically provided to the platform from a device external to the platform.

**Conclusion**

67. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q Dang whose telephone number is (571) 272-3069. The examiner can normally be reached on 9:30AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (571) 272-3068. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HD

MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
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